

STATE OF SOUTH CAROLINA

(Caption of Case)

IN RE:

Application of Mark S. Wrigley for Approval of the Sale of a
Portion of the Assets of Wyboo Plantation Utilities, Inc. to
Clarendon County

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2008 - 445 - WS

(Please type or print)

Submitted by: Richard L. WhittSC Bar Number: 62895Address: Austin & Rogers, P.A.Telephone: 803-251-7442508 Hampton Street, Suite 300Fax: 803-252-3679Columbia, South Carolina 29201Other: 803-256-4000Email: rlwhitt@alrlaw.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition ☒ Request for item to be placed on Commission's Agenda expeditiously

Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit of Publication	<input checked="" type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certification of Mailing	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Return	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input checked="" type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

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December 17, 2008

VIA ELECTRONIC FILING

The Honorable Charles L. A. Terreni
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

RE: • Application of Mark S. Wrigley for Approval of the Sale of a Portion of the
 Assets of Wyboo Plantation Utilities, Inc. to Clarendon County
 • Docket No. 2008-445- WS
 • Motion for Twenty Day Notice Period and Waiver of Rule
 • **December 17, 2008 Correspondence from Nanette S. Edwards, Esquire**

Dear Mr. Terreni:

Wyboo Plantation Utilities, Inc.'s, (hereinafter, "Wyboo") counsel of record hereby responds to Ms. Edwards' correspondence referenced above.

While we appreciate the South Carolina Office of Regulatory Staff's, (hereinafter, "ORS") statement that they do not object to the twenty day notice period requested in this docket, we are not in agreement with any requirement that Wyboo place \$44,555.36 in escrow, at the closing scheduled this week. Counsel for ORS describes the amount in controversy as \$44,555.36, and that was the amount in controversy when the docket was opened on October 20, 2006. Wyboo's President has made diligent efforts to refund charges, credit accounts, and obtain waivers from affected customers. As a result, the

amount in controversy now is a much smaller monetary amount, in Wyboo's opinion.

In fact, counsel for ORS was previously informed that \$44,555.36 greatly exceeds the net proceeds that Wyboo will receive from the partial sale of its assets and escrow of that amount of funds is impossible.

In summary, counsel for ORS is involved in a hearing at the Public Service Commission of South Carolina, (hereinafter, "Commission") and is unavailable for any discussion of this matter at this writing. Therefore, Wyboo is agreeable to continuing discussions with ORS to reach agreement on the current amount in controversy and in placing the amount in controversy in escrow, but is not agreeable to escrowing the original amount in controversy from 2006, the stated sum of \$44,555.36.

Counsel for ORS is being provided with a copy of this correspondence.

Respectfully Submitted,
/S/
Richard L. Whitt

RLW/jjy